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FRUIT GROWERS SUPPLY COMPANY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SUNKIST GROWERS, INC., a California
agricultural cooperative; FRUIT
GROWERS SUPPLY COMPANY, a
California agricultural cooperative

Plaintiffs,

vs.

AGCS MARINE INSURANCE
COMPANY, an Illinois corporation

Defendant.

Case No.: 2:23-cv-01643-SB-ADS
Hon. Judge Stanley Blumenfeld, Jr.

**[PROPOSED] FINAL JUDGMENT
RE: DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT,
PLAINTIFFS' CROSS-MOTION
FOR SUMMARY JUDGMENT**

Pretrial Conference: February 9, 2024
Time: 10:00 am
Courtroom: 6C

Trial Date: February 26, 2024
Action Filed: March 6, 2023

This matter came before the Court on January 19, 2024, the Honorable Judge Stanley Blumenfeld, Jr. presiding. After reviewing the evidence presented and hearing the arguments of counsel on Defendant AGCS MARINE INSURANCE COMPANY's Motion for Summary Judgment and on Plaintiffs SUNKIST GROWERS INC. and

[PROPOSED] FINAL JUDGMENT

FRUIT GROWERS SUPPLY COMPANY's Cross-Motion for Summary Judgment under Fed. R. Civ. P. 56., Judgment is entered by the Court as follows:

1. SUNKIST GROWERS INC. and FRUIT GROWERS SUPPLY COMPANY's loss is covered by the relevant insurance policy, and the loss constitutes a single adjusted claim subject to a single deductible of \$500,000. As such, the Court DENIES AGCS MARINE INSURANCE COMPANY's motion in its entirety, and GRANTS SUNKIST GROWERS INC. and FRUIT GROWERS SUPPLY COMPANY's cross-motion for summary judgment on all claims.
2. IT IS ORDERED THAT SUNKIST GROWERS INC. and FRUIT GROWERS SUPPLY COMPANY shall recover from AGCS MARINE INSURANCE COMPANY in the amount of (a) \$3,214,229.96 for compensatory damages, and (b) prejudgment interest, per stipulation by the parties, of \$337,983.67 for a total judgment of **\$3,552,213.63** (three million, five hundred fifty two thousand, two hundred thirteen dollars and sixty three cents) in favor of SUNKIST GROWERS INC. and FRUIT GROWERS SUPPLY COMPANY and against ACGS MARINE INSURANCE COMPANY.
3. IT IS ORDERED THAT AGCS MARINE INSURANCE COMPANY shall collect a single \$500,000 deductible from SUNKIST GROWERS INC. AND FRUIT GROWERS SUPPLY COMPANY for the single adjusted claim.

Dated: _____

UNITED STATES DISTRICT JUDGE

Approved as to form and content.

/s/ Jeremiah M. Welch

Attorney for Plaintiff

/s/ Neil S. Lerner

Attorney for Defendant

[PROPOSED] FINAL JUDGMENT